THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.27617 of 2005

Between:

Siligireddy Janardhan Reddy.

.. PETITIONER

and

The Station House Officer,
Uppal and others.

.. RESPONDENTS

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ORDER:

It is the case of the petitioner that pursuant to the private complaint filed by him on the file of III Metropolitan Magistrate, L.B.Nagar, Cyberabad, the same was referred under Section 156(3) Cr.P.C. for enquiry and report. Accordingly, the 1st respondent registered a case in Cr.No.394 of 2005 on 02-07-2005. It is stated that though the allegations made in the complaint disclose that the accused persons, who are respondents 2 to 7 herein, committed cognizable offence, the 1st respondent has not made any enquiry and not filed charge-sheet. Therefore, the petitioner seeks to issue a Writ of Mandamus to direct the 1st respondent to investigate the case and file charge-sheet forthwith without any delay.

On 30-12-2005, while admitting the writ petition, issued notice to the respondents. As no counter is filed, this court by order, 20-08-2007, directed the 1st respondent to file counter within ten days, failing which he shall appear before this Court.

Today, the 1st respondent is appeared before this Court.

The learned Government Pleader appearing for Home submits that in fact the final report has already been prepared on 31-07-2005 itself but the same could not be filed before the II Metropolitan Magistrate, L.B.Nagar, Cyberabad, Ranga Reddy District, while issuing notice to the petitioner. But, however, after serving notice to the petitioner, the said final report has been filed on 25-06-2007 before the III Metropolitan Magistrate, L.B.Nagar, Cyberabad, Ranga Reddy District. Thus, it is stated that the investigation has been completed and the final report has been filed.

Learned counsel appearing for the petitioner submits that no proper

investigation has been conducted by the Investigating Officer, as the Investigating Officer without examining the complainant and other witnesses filed the final report stating that the petitioner failed to produce connected documents pertaining to the case and without any justification whatsoever came to a conclusion that there is no criminal intimidation between both the parties and, therefore, the petitioner is advised to approach a Civil Court and the case has been referred as civil in nature.

I am not inclined to express any opinion as to the merits of the case. But, there is no justification on the part of 1st respondent in having prepared the final report on 31-07-2005 itself and filing the same before the Court on 25-06-2007. I am of the opinion that the said action of the 1st respondent amounts to dereliction of duty as the 1st respondent deprived the valuable right of the petitioner to approach before the criminal court by way of filing protest application as well as private complaint in accordance with law.

Insofar as final report is concerned, it is for the concerned Magistrate to consider and pass appropriate orders in accordance with law. Further, it is open for the petitioner to file protest application as well as private complaint in accordance with law.

Insofar as delay in filing the final report is concerned, the Commissioner of Cyberabad is directed to take appropriate action against the 1st respondent for not filing the final report from 31-07-2005 till 25-06-2007 in accordance with law.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

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31-08-2007

Prv